



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,488	09/17/2003	Tsutomu Watanabe	393032041000	4850
7590		01/14/2008		
David L. Fehrman				
Morrison & Foerster LLP				
35th Floor				
555 W. 5th Street				
Los Angeles, CA 90013				
			EXAMINER	
			DINH, TUAN T	
			ART UNIT	PAPER NUMBER
			2841	
			MAIL DATE	DELIVERY MODE
			01/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,488

Applicant(s)

WATANABE ET AL.

Examiner

Tuan T. Dinh

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 2-6 are now rejoined. Claims 1-6 are now exam.

Noted: the term "capable of" performs a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Zappacosta (U.S. Patent 6,700,491).

As to claim 1, Zappacosta discloses an electronic device (8, column 2, line 61) with a side face (a panel 10, column 2, line 60) as shown in figures 1-3 having a stepped portion to which a mountain-shaped angle member (22) is fixable, said stepped portion comprising:

a first wall portion (62) projecting outward from said side face,

a second wall portion (14) recessed inward from said first wall portion, and

a connecting portion (22, see figure 1) connecting said second and first wall portions (62, 14),

said electronic device (8) including a fixing member (screw 50), and said fixing member being a member for fixing said angle member (26) in a first attachment mode in which said angle member is in contact with said first wall portion and opposed to said connecting portion.

As to claim 2, Zappacosto discloses an electronic device (8) as shown in figures 1-3 comprising an angle member (22) having a mountain-shaped cross section perpendicular to a longitudinal direction thereof, and a main body (10) having a side face (face of element 24) to which said angle member is fixable, wherein said angle member functions as a member for protecting said side face when said angle member fixed to said main body (10) by a fixing member (50) such that an inner angled surface is opposed to said side face, and functions as a member for mounting said main body on a rack when said angle member being fixed to said main body by said fixing member (50) such that an outer angled surface is opposed to said side face.

As to claim 3, Zappacosto discloses both end portions (the portion having ends at where the screw fixed on a hole) of said angle member (22) in the longitudinal direction have different shapes respectively, and said angle member is fixable in one manner to said side face to coincide with a shape of said side face when it is fixed by said fixing member (50) such that its inner angled surface is opposed to said side face, and is fixable in two manners to said side face when it is fixed by said fixing member such that its outer angled surface is opposed to said side face.

Allowable Subject Matter

3. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 10/22/07 have been fully considered but they are not persuasive.

Applicant argues:

Zappacosto fails "the fastener 50 is for fixing an angle member in any one of the two attachment modes."

Examiner disagrees because as shown in figure 1 of Zappacosto, the screw (50) fastening the connecting portion (22) having an angle portion (26) in contact to the first wall portion (62).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T. Dinh whose telephone number is 571-272-1929. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gutierrez F. Diego can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/664,488
Art Unit: 2841

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tuan Dinh
January 04, 2008.



TUAN T. DINH
PRIMARY EXAMINER

1/4/08 -